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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
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11 CHARLES KELLER COOPER, JR., }

12 Plaintiff, }

13 v. }

14 COUNTY OF LOS ANGELES, et al., }

15 Defendants. }

NO. CV 17-2639-FMO (AGR)

ORDER ACCEPTING FINDINGS AND  
RECOMMENDATION OF UNITED  
STATES MAGISTRATE JUDGE

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17 Pursuant to 28 U.S.C. § 636, the Court has reviewed the complaint, records on  
18 file, and the Report and Recommendation of the United States Magistrate Judge. No  
19 objections to the Report have been filed. The Court accepts the findings and  
20 recommendation of the Magistrate Judge.

21 IT IS ORDERED that the Defendants' motion to dismiss is GRANTED IN PART  
22 AND DENIED IN PART as follows:

23 1) Defendant's motion to dismiss based on failure to exhaust remedies is  
24 denied without prejudice;

25 2) Defendants' motion to dismiss the *Monell* claims against the County and all  
26 individual defendants in their official capacity is granted with leave to amend;

27 3) Defendants' motion to dismiss the claims against Sheriff McDonnell in his  
28 individual capacity is granted with leave to amend; and

1 4) Defendants' motion to dismiss the conspiracy claims against all defendants  
2 is granted with leave to amend.

3 If Plaintiff chooses to file a Second Amended Complaint, it must be filed within  
4 30 days after entry of this Order, it must bear the docket number assigned to this  
5 case, be labeled "Second Amended Complaint," and be complete in and of itself  
6 without reference to the original complaint, attachment, pleading or other documents.

7 The Clerk is DIRECTED to provide Plaintiff with a pro se civil rights packet.

8 If Plaintiff chooses not to amend the First Amended Complaint, the FAC will go  
9 forward against Deputy Leonetti, Sergeant Thoms and Sergeant Brown in their  
10 individual capacity for excessive force claims. The Court will order service on  
11 Sergeant Thoms and Sergeant Brown based on the additional identifying information  
12 provided in Plaintiff's opposition brief.

13 The case is referred back to the Magistrate Judge for further proceedings.  
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16 DATED: March 28, 2019

/s/  
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FERNANDO M. OLGUIN  
United States District Judge